



OGDEN VALLEY PLANNING COMMISSION

Ogden Valley Virtual Planning Commission

December 1, 2020

5:00 p.m.

<https://us02web.zoom.us/j/83653580760>

- *Roll Call*
- *Pledge of Allegiance*

1. Approval of the September 22, 2020 meeting minutes

Legislative Items

1. #ZMA 2020-04: A public hearing for consideration of a requested rezone of 4.57 acres located at approximately 2137 N. 5500 E. in Eden from the AV-3 zone to the CV-2 zone. *Staff Presenter: Charlie Ewert.* Applicant Agent: Ronda Kippen and/or Shawn Clegg

Work Session

WS1: Swan Ranch Subdivision Discussion, *Staff Presenter: Steve Burton*

Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. & Via Zoom Video Conferencing at the link listed here

<https://us02web.zoom.us/j/83653580760>

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings

Minutes of the Ogden Valley Planning Commission for September 22, 2020. To join the meeting please navigate to the following web link at the time of the meeting <https://us02web.zoom.us/j/81797356330> commencing at 5:00 p.m.

Present: John Lewis, Chair; Shanna Francis, Vice Chair, John Howell, Chris Hogge, Jeffry R. Burton, Ron Lackey, and Steve Waldrip

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Charlie Ewart, Principal Planner; Steve Burton, Planner, Scott Perkes, Planner; Tammy Aydelotte, Planner, Felix Lleverino, Planner, Courtlan Erickson, Legal Counsel; Angela Martin, Lead Office Specialist

- **Roll Call**
- **Pledge of Allegiance**

Consent Items

CUP 2020-12 Consideration and action on a conditional use permit for a public utility substation known as Pizzel Spring

Commissioner Francis made a motion to approve CUP 2020-12 Consideration and action on a conditional use permit for a public utility substation known as Pizzel Spring subject to staff recommendations and the findings in the staff report. Commissioner Lackey seconded the motion. Chair Lewis, Commissioners Hogge, Burton, Waldrip, Howell, Francis and Lackey all voted aye, motion carried.

Administrative Items

1. UVR071520 - Consideration and action on a request for preliminary approval of The Reserve at Crimson Ridge Cluster Subdivision Phase 2 and 3, a total of 41 residential lots.

Steve Fenton, Developer for Crimson Ridge Phases 2 and 3. Mr. Fenton showed where the boundaries are on the map.

Mr. Lleverino showed the rest of the presentation.

Commissioner Lackey asked if the well was finished. Mr. Fenton stated yes.

Wesley Stuart with Gardner Engineering explained the slopes of the road.

Commissioner Burton asked about the sewer system. Staff stated that it will be a community leach field.

There was a discussion on the well. The concerns were water flow and if it will be able to hold the capacity to service all of Phase 2 and 3. The developer explained that there will be enough water for this development.

Kim Arave stated that her property is next door and is concerned with the well maybe taking away from her well. She would also like to see a buffer along her property for privacy.

Public comments were concerned about a law suit with Pineview West Water, also the access through Phase 1 Chair Lewis asked about the road grades.

Wesley Stuart with Gardner Engineering explained the slopes of the road. Most of the grades are 15%

Chair Lewis said that this would be a problem with the fire department.

Mr. Lleverino said that the fire department would be reviewing this subdivision.

Commissioner Burton a motion to approve UVR071520 - Consideration and action on a request for preliminary approval of The Reserve at Crimson Ridge Cluster Subdivision Phase 2 and 3, a total of 41 residential lots.

Legislative Items subject to staff and other agency recommendation and the findings in the staff report.

Commissioner Waldrip seconded the motion. Chair Lewis, Commissioners Francis, Howell, Hogge, Burton, Lackey and Waldrip voted aye. Motion carried.

Open Public Hearing motion carries.

ZTA 2020-03: Public hearing to discuss and take comment to amend the following section of Weber County Code: §101-2, §104-3, §104-5, §104-6, §104-8, §104-9, §104-10, §104-12, §104-13, §104-14, §104-15, §104-16, §104-17, §108-8, §108-15, §108-19, and §108-21 regarding accessory dwelling units and amendments to related sections of the Weber County Land Use Code

Ms. Aydelotte gave her presentation for this discussion.

Commissioner Waldrip asked where this has worked in other jurisdictions.

Ms. Aydelotte stated that she has done some research in California. She stated that Santa Cruz has five or six designs for the ADU standards.

There was a discussion on ADU'S and TDR'S.

Mr. Ewert stated that are a lot of jurisdictions that have this ADU's and they have worked well. ADU is to have affordable housing. He suggested to try this for a year to see how this will work.

Director Grover stated that along the Wasatch Front other communities are doing ADU's. Brigham City allows for ADU's. Let's look at this for a year or two, also some of the areas can't use ADU's and TDR'S.

Commissioner Waldrip stated that if they decide to do this for one year experiment there may not be a market for this ordinance to work. Director Grove stated that they within that year we can change the verbiage for this ordinance. He also stated that this is how we worked on the Dark Sky Ordinance there were changes made to that ordinance.

Chair Lewis stated that I would really see this Ogden Valley is slowly changing, it is becoming a resort town. There are a lot of homes that are second homes. Five years will probably going to double the density. Chair Lewis thinks that this wouldn't work if there wasn't TDR's with the ADU's.

Commissioner Burton stated that the Ogden Valley is designated for recreational. He also stated that this should be a healthy community. Density and impact are two different things. Why are we doing TDR's.

Concerns are impact in the Ogden Valley. He also thinks that density does not make sense. He also agrees with the ADU's with this ordinance.

Commissioner Lackey has concerns about the density.

Commissioner Francis made a motion to close Public Hearing and Commissioner Hogge seconded the motion. Chair Lewis, Commissioners Francis, Hogge, Burton, Waldrip, Lackey and Howell voted aye. Motion carried.

Commissioner Francis made a motion to approve ZTA 2020-03: Public hearing to discuss and take comment to amend the following section of Weber County Code: §101-2, §104-3, §104-5, §104-6, §104-8, §104-9, §104-10, §104-12, §104-13, §104-14, §104-15, §104-16, §104-17, §108-8, §108-15, §108-19, and §108-21 regarding accessory dwelling units and amendments to related sections of the Weber County Land Use Code subject to staff and other agency recommendations and the findings in the staff report. Commissioner Lackey seconded the motion. Chair Lewis, Commissioners Francis, Howell, Hogge, Lackey and Waldrip voted aye. Commissioner Burton opposed the motion. Motion carried.

Work Session

WS1: Discussion about short-term rentals in Weber County and regulatory options. *Staff Presenter: Scott Perkes*

Scott Perkes presented his power point to the Planning Commissioners. He showed them an updated STR statics from May-September. Cost breakdown for 3rd party Enforcement Cost. This presentation is on the Weber County Frontier Website.

Director Grover updated the Commissioner's on Old Town and New Town Eden will be held on October 6, 2020

Meeting Adjourned: The meeting adjourned at 7:30 pm

Respectfully Submitted,

Angela Martin



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

APPLICATION INFORMATION

Application Request: A public hearing for consideration of a requested rezone of 4.57 acres located at approximately 2137 N. 5500 E. in Eden from the AV-3 zone to the CV-2 zone.
Agenda Date: Tuesday, December 01, 2020
Applicant: Horseshoe, L.L.C. and Sunnyfield, L.L.C.; Agent: Ronda Kippen and/or Shawn Clegg
File Number: ZMA 2020-04

PROPERTY INFORMATION

Approximate Address: 2137 N. 5500 E.
Zoning: The area is currently Agricultural (AV-3)
Existing Land Use: Agriculture
Proposed Land Use: Commercial

ADJACENT LAND USE

North: Commercial	South: Agricultural
East: Eden Park	West: Agricultural

STAFF INFORMATION

Report Presenter: Charles Ewert
 cewert@webercountyutah.gov
 801-399-8767
Report Reviewer: RG

Applicable Ordinances

§ 102-5: Rezoning Procedures
 § 104-6: AV-3 Zone
 § 104-21: CV-2 Zone

Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

Summary

This item is an applicant-driven request to change approximately 4.57 acres from the AV-3 zone to the CV-2 zone. The applicant's formal narrative for the application can be found in Exhibit A attached. The purpose of the rezone is for the remodeling or reconstruction of one or more buildings currently on the site for a farm-store operation to support the adjacent and related farm operation. The Project also consists of the construction of additional new main buildings that will be constructed with storefronts at the public right-of-way in a manner that mimics a main street design commonly found in Old West mine towns.

The property is in the area currently being considered for the Old Town Eden small area plan, and is in the proximity of the plan's contemplated Old Town Eden village. This application is from the same owner as the developer of the neighboring Historic Wilbur Blacksmith Shop. That project resulted in a historically accurate, attractive, and quality product that became a staple in the design considerations later written into the 2016 Ogden Valley General Plan.

Considering the county's timeline thus far in developing the Old Town Eden small area plan, the applicant is seeking entitlements ahead of the completion of that plan. However, the applicant desires to develop the site with similar attention to detail as the neighboring blacksmith shop, and is committed to developing in a manner that will be

complimentary to the plan's intended outcomes. The applicant is willing to enter into a mutually beneficial rezone agreement with the county in order to express this commitment.

Planning staff are offering a positive recommendation for the proposed rezone with a primary condition that the applicant enter a mutually agreeable zoning agreement with the County.

The Planning Commission should consider planning staff's recommendation, the comments and concerns of the public, and relevant facts at hand to formulate a recommendation on this item for the County Commission's consideration. The Planning Commission's recommendation should be supported with findings of fact.

Policy Analysis

The applicant is two entities, Sunnyfield, LLC and Horseshoe, LLC, that are managed by the same person/people. The rezone is intended to apply to the front portion of three parcels: parcel #22-047-0040, parcel #22-047-0052, and parcel #22-047-0053. See **Figure 1** for a graphic of the rezone-related parcels.

The rezone area is on the west side of 5500 E. The Eden Park is across the street. The development extends about 400 feet to the south of the park.

A change to zoning has the potential to change the character of the area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones may not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes. A general plan's primary function is to help the county do this in a manner that is focused on the future of the area.

The applicant's property is within the Ogden Valley General Plan's planning area. This staff report evaluates the existing and proposed zoning – based on the purpose and intent of the zone – and the allowed uses within the zone, and compares that to the desired outcomes of the general plan.

Typically, and unless planned otherwise in the general plan, a rezone should not occur unless it offers a contiguous extension of an existing zone in the area. The proposed CV-2 rezone area is on streetfront property that is immediately adjacent to streetfront property already zoned CV-2, making it a logical and contiguous extension of the existing zone.

Zoning Analysis

The current zone of the subject parcel is AV-3. The AV-3 zone is typically reserved for agricultural pursuits and large-lot residential uses. **Figure 2** depicts current zoning and the parcels affected by the proposed rezone.

The purpose of the AV-3 zone is specified by the Weber County Code as being:

The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

1. *Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
2. *Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
3. *Direct orderly low-density residential development in a continuing rural environment.*¹

The AV-3 zone also has a preferred use described as follows:

Figure 1: Subject Property



¹ See LUC § 104-6-1: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-6_Agricultural_Valley_AV-3_Zone

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.²

The applicant is requesting the CV-2 zone. **Figure 3** depicts the zoning map if this application is approved. The CV-2 zone's purpose is:

1. *The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs.*
- ...
3. *The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.³*

The Weber County Land Use Code has a chapter that governs application-driven rezones.⁴ It specifies that rezoning should comply with the general plan. A general plan analysis is provided later in this report. It also sets forth approval criteria when considering a rezone. Because a rezone is legislative, each criterion allows broad deference to the County Commission's legislative decision-making authority. The criterion is fourfold:

- (a) *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- (b) *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
- (c) *The extent to which the proposed amendment may adversely affect adjacent property, adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and*

Figure 2: Current Zoning Map and the Subject Properties.



Figure 3: Proposed Zoning Map.



² See LUC § 104-6-2: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-6_Agricultural_Valley_AV-3_Zone

³ See LUC § 104-22-1: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-21_Commercial_Valley_Zones_Cv-1_And_Cv-2

⁴ See LUC § 102-5: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_102-5_Rezoning_Procedures

recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.

- (d) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- (e) Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- (f) Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

Site-Specific Land Use Analysis

Commercial buildings and uses on the subject site has several community impacts worth considering. Given the information and evidence currently available, existing ordinances, and volunteered regulatory standards from the applicant, the Planning Commission may find that most, if not all, negative effects can be reduced within tolerable thresholds, and the advancement of the desires of the general plan that the proposal will make sufficiently balances the detrimental effects. The following analysis offers this consideration.

Concept development plan.

As depicted in **Figure 4**, the applicant has provided a concept development plan.⁵ It shows the layout of the site and the possible configuration of the buildings, accessways between the buildings, and access to the public street system. The applicant wants the actual building placement and site layout to be flexible so the development can be responsive to the needs/demands of the market. In other words, the county may not likely get the exact layout presented in the concept plan. To offer the county predictability in outcomes while giving the applicant sufficient flexibility, the Planning Commission should consider requesting building design standards as part of the zoning agreement rather than expecting strict compliance with the concept plan. Staff offers recommended design standards in the architectural styling paragraph in this report.

Access and traffic circulation.

Access will be provided to the site from 5500 East Street. The applicant is proposing to construct pedestrian facilities in the street right-of-way that extend the existing street infrastructure from the adjacent existing blacksmith shop. The street right-of-way along the property frontage is insufficient for the County to create the street cross section contemplated as part of the Eden area planning. The general plan designates 5500 East Street as a future 100-foot wide street right-of-way. County ordinance requires that prior to receiving any future land use or building permits, an applicant must dedicate any of their frontage required to create a half-width of the planned street right-of-way.

The area that the applicant will be required to dedicate is the area that the applicant will continue the pedestrian improvements. At this time, the applicant is concerned that dedicating the area may eventually negate the purpose of installing these improvements. He would like to maintain

Figure 4: Concept Development Plan.



⁵ See Exhibit C.

control over the improvements to guarantee their longevity. At the same time, Weber County has not yet adopted a standard for village area street improvements, and therefore has not implemented operation and maintenance plans and budgets. However, not requiring the right-of-way dedication at the time of development will cause the County to forfeit its right to receive the land at no cost as a development-impact mitigation measure. The Planning Commission could recommend that the county require the dedication, but allow a perpetual operations and maintenance agreement with the owner for a mutually agreeable period. This will give the County the street right-of-way it needs for the future while giving the applicant control over the improvements.

The applicant is planning parking in the rear of the buildings.

Culinary water.

The applicant has submitted evidence that the Eden Water Works intends to serve the culinary needs of the development. At the time of either subdivision application or building permit application, the applicant will be required to supply a more specific water connection assurance.

Secondary water.

If not otherwise provided by means of culinary water, if allowed by the provider, the facility will need a secondary water irrigation system to maintain non-native landscaping on the site. Automatic drip irrigation systems are preferred for the proposed vegetation that supports it.

Sanitary wastewater.

The applicant has submitted evidence of feasibility for a septic system from the Weber Morgan Health Department. The applicant will be required to satisfy any septic system requirements of the Weber Morgan Health Department, including providing area large enough for a primary and backup drainfield.

Fire.

The local fire authority does not typically initiate a development review until actual subdivision or construction activities are proposed.

Landscaping.

No specific landscape plans have been submitted for review at this time. Before building, the applicant will be required to submit a design review application that includes landscaping plans. Verification that the sites meet minimum landscape requirements will be performed at that time.

Architectural styling

To be compliant with the general plan and emerging details coming from the ongoing area plan process, the Planning Commission should consider the following architectural or building design standards⁶:

1. A style that could be found for buildings constructed between 1880 and 1910.
2. Street-facing façade.
3. A discernable base, body, and cap.
4. Interruptions of long horizontal lines
5. A large amount of street-level window and door openings.
6. Main entrances from the street right-of-way.
7. Building at the street right-of-way.

⁶ See also Exhibit D

Lighting.

The lighting of the project will be required to comply with the Ogden Valley's outdoor lighting code. If security lighting is desired throughout the night, each lighting device will need to be on a motion detector that stays on for no greater than two minutes after it last detects motion.

Village considerations

Staff's primary concern with rezoning any land to the CV-2 zone is that the CV-2 is designed in part to be a vehicle oriented commercial zone. It will be difficult to create the streetscape that the general plan contemplates if all of the commercial areas are developed with emphasis on moving automobiles rather than with emphasis on a pedestrian experience.

This concern was expressed to the applicant. To resolve the concern, the applicant has volunteered to forgo the automobile-intensive uses in the CV-2 zone. Attachment B shows the uses allowed in the CV-2 zone, as modified by the applicant's voluntary use restrictions.

Development agreement contingencies.

Even though a development agreement is reserved for County Commission to negotiate, the Planning Commission has the opportunity to influence the terms of the agreement by offering conditions that can be imposed in the agreement. The conditions provided in the staff recommendation may act as a baseline for the Planning Commission's consideration. Removal, addition or modifications of staff's recommended conditions is the Planning Commission's prerogative as this project moves toward creation and execution of a mutually-negotiated agreement and formal legal rezone.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed rezone of approximately 4.57 acres located at approximately 2137 N. 5500 E. in Eden from the AV-3 Zone to the CV-2 Zone, File #ZMA 2020-04, with the following requirements to be executed by means of a development agreement:

1. The agreement should extend at least two years to give the County ample time to complete the Eden area plan and adopt design standards.
2. The uses in the project exclude automobile oriented uses, as volunteered by the applicant.
3. Architectural or building design standards should be applied:
 - a. A style that could be found for buildings constructed between 1880 and 1910.
 - b. Street-facing façade.
 - c. A discernable base, body, and cap.
 - d. Interruptions of long horizontal lines
 - e. A large amount of street-level window and door openings.
 - f. Main entrances from the street right-of-way.
 - g. Building at the street right-of-way.
4. Allow the applicant to operate and maintain the street-infrastructure he installs for an agreed upon timeframe. Require a deferral agreement and an operations and maintenance agreement.

This recommendation may come with the following findings:

1. The use helps support the 2016 Ogden Valley General Plan by implementing the pre-planned Eden village area.
2. The proposal offers a design theme recommended by the 2016 Ogden Valley General Plan.
3. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.
4. The development will enhance the overall health, safety, and welfare of the community.

Exhibits

- Exhibit A: Application.
- Exhibit B: Applicant-Volunteered Automobile Use Limitations.
- Exhibit C: Concept Development Plan.
- Exhibit D: Architectural Standards.

Weber County Zoning Map Amendment Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted		Received By (Office Use)	Added to Map (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) <i>FD Riserhoe, LLC and Sunnyfield, LLC</i>		Mailing Address of Property Owner(s) <i>326 N Wilkie St. Kayville, UT 84037</i>	
Phone <i>801-232-4153</i>	Fax		
Email Address <i>rc1p99@digir.net</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Ronda Kippen</i>		Mailing Address of Authorized Person <i>PO Box 789 Morgan, UT 84050</i>	
Phone <i>801-710-8303</i>	Fax		
Email Address <i>rondakippen@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>Blacksmith Village Phase II</i>		Current Zoning <i>AV-3</i>	Proposed Zoning <i>CV-2</i>
Approximate Address <i>2137 N 5500 E Eden, UT</i>		Land Serial Number(s) <i>22-047-0040 22-047-0052 22-047-0053</i>	
Total Acreage <i>4.9 acres</i>	Current Use <i>Agriculture</i>	Proposed Use <i>Commercial</i>	
Project Narrative			
Describing the project vision. <i>See attached</i>			

Project Narrative (continued...)

How is the change in compliance with the General Plan?

See attached

Why should the present zoning be changed to allow this proposal?

See attached

Project Narrative (continued...)

How is the change in the public interest?

See attached

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

See attached

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

See attached

Property Owner Affidavit

I (We), Horseshoe, LLC and Sunnyfield, LLC depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature] (MANAGER HORSESHOE + SUNNYFIELD)
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 23 day of JUNE, 20 20

[Signature]
(Notary)



NOTARY PUBLIC
GRICELDA VARGAS
693988
COMMISSION EXPIRES
MARCH 10, 2021
STATE OF UTAH

Blacksmith Village Phase II Narrative

Background

In June 2008, Horseshoe, LLC and Weber County entered into a Development Agreement for the Blacksmith Village Phase I. The agreement was to rezone a portion of Parcel# 22-047-0040 from AV-3 Zone to CV-2 Zone and to allow for the restoration of the historic 1895 J. M. Wilbur Blacksmith Shop which existed on a portion of this parcel.

Since that time, the Blacksmith Shop has been restored and (per the original promise of Horseshoe LLC) was listed on the National Register of Historic Places on January 17, 2017, making this the ONLY structure in the Ogden Valley to have this prestigious designation and is now a tourist attraction just by itself.

In addition, The Blacksmith Shop is operated as a traditional blacksmith by Aaron Richardson of Ragnar Forge. This allows for visitors to the site to experience the work and expertise of this trade and, also to take lessons in traditional blacksmithing.

Blacksmith Village Phase I has been developed with the building of three new period correct commercial buildings that were approved per the original rezone and amended development agreement. The period buildings were designed to complement the existing Blacksmith Shop and to enhance the surrounding park and town center.

These commercial buildings are fully occupied and attract visitors as part of the development site and are currently used as a physical therapist office and professional office space. The most recent amendment to the development agreement was approved in December 2017 to allow for the placement of another historic building to be reconstructed on this site. The West Point Canning Co. building in West Point, Utah was to be demolished; however, seeing the beauty of this historic building and materials, Horseshoe LLC disassembled the building brick by brick and will reconstruct the building on the Blacksmith Village Phase I site. This building will be used to house Blacksmith Garage, a vintage/antique car sales establishment that was approved in January 2015 as a conditional use permit.

Current Proposal-Narrative

Horseshoe, LLC and Sunnyfield LLC request to rezone the remaining portion of Parcel# 22-047-0040 (approximately 1 acre and owned by Horseshoe, LLC), the front portion of Parcel# 22-047-0052 (approximately 2 acres and owned by Sunnyfield LLC) and the front portion of Parcel# 22-047-0053 (approximately 1.9 acres and owned by Sunnyfield LLC) from the AV-3 Zone to the CV-2 Zone. The Blacksmith Village Phase II is currently planned to be on the south side of the Blacksmith Village Phase I. The site will be engineered to direct all the storm water into the existing onsite detention pond of the existing Blacksmith Phase I. If necessary, the detention pond will be increased in size to handle the additional storm water due to the new onsite hard surface. The development will continue with the attractively designed complete street to the north and will have building designs that are from the same

time period that will complement the existing Blacksmith Village Phase I, complete a commercial block and improve the general area of the town center.

Conceptual building renderings have been incorporated as part of this submittal (see Exhibit B) but are not to be misconstrued to be the buildings that Horseshoe, LLC and Sunnyfield LLC intend to build on these parcels. The conceptual renderings are theoretical in nature and are being used only as an example of the buildings in the time era and the beautiful architectural sketches that the design team are currently working with for this project layout. The 2016 Ogden Valley General Plan states that *"Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character."* It is Horseshoe, LLC's and Sunnyfield LLC's desire to support the development of Eden's historic center and by building visually compelling and economically viable historic properties within Blacksmith Village Phase II.

Horseshoe, LLC and Sunnyfield LLC are requesting to rezone this property without a development agreement due to the need to be flexible with the building designs throughout the development process with Weber County. These buildings will be reviewed and analyzed during the Design Review Process with Weber County. Horseshoe, LLC and Sunnyfield LLC feel that they have a good working relationship with Weber County and have historically produced an attractive product that will stand the test of time and will support the visual desire of the community and meet the requirements of the Ogden Valley General Plan, Weber County Land Use Code and the Old Town Eden Small Area Plan.

How is the change in compliance with the General Plan?

The new commercial development will be focused in the existing "Old Eden" Village Center and will be designed to be compatible with the rural and historic character of the area to assist the County in executing the goals outlined in the 2016 Ogden Valley General Plan to preserve and protect the historic areas within the Ogden Valley (Historic Preservation Goal 1). It is the desire and intent of Horseshoe, LLC and Sunnyfield LLC to support the development of the historic "Old Eden" to *"architecturally design the street scape and commercial structures in a way for the development of the area to be architecturally and visually compatible with neighboring historic properties"* (Historic Preservation Implementation 1.1.3).

Why should the present zoning be changed to allow this proposal?

Section 5 of the Ogden Valley General Plan Commercial Development Vision states: *"The Ogden Valley community desires sustainable and thriving local businesses in the Ogden Valley."* Horseshoe, LLC's and Sunnyfield LLC's property lies within the ¼ mile circle centered around the "Old Eden" Village Center (see Map 6 of the Ogden Valley General Plan). *"Residents desire that new commercial development be located and clustered in one of the existing commercial areas"* (see page 24 of the Ogden Valley General Plan) such as the "Old Eden" Village Center, residents would like to have *"new commercial development properly scaled and designed to be consistent with the existing pedestrian-friendly historical character"*. Commercial Development Implementation 1.1.2 states: *"Future commercial or mixed-use rezoning*

should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors”.

The current request to rezone the remaining portion of Parcel# 22-047-0040 and the front portions of Parcel# 22-047-0052 (approximately 2 acres) and 22-047-0053 (approximately 1.9 acres) from the AV-3 Zone to the CV-2 Zone is to continue the adjacent commercial zone on the same parcel and adjacent parcel, to help create the walkable town center of “Old Eden” Village Center and to remove the appearance of “spot” zoning along the west side of the highway by the continuation of the development in a way to create a continuation of the existing complete street design running along the highway. Horseshoe, LLC and Sunnyfield LLC also identify the need for new and desirable commercial sites located within the “Old Eden” Village Center. The proposed rezone expansion of the Blacksmith Development will complement the existing sites and “Old Eden” Village Center.

How is the change in the public interest?

By rezoning the remaining portion of Parcel# 22-047-0040 and the front portions of Parcel# 22-047-0052 and 22-047-0053, it will provide for sustainable local business locations to the residents of the Ogden Valley. It will continue the existing complete street design which supports the walkability of the “Old Eden” Village Center with the proximity to the Eden Park. The Blacksmith Village Phase II will also create structures that will preserve and enrich the historic experience of the Village Center.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

Weber County last addressed the Ogden Valley General Plan in 2016. In 2018, the Weber County Planning Division Staff started to work with the students at Weber State University on a generalized overview of the Eden and “Old Eden” Village Center. This presentation by the Weber State students was very conceptual and covered multiple areas within the Ogden Valley; therefore, there was not a lot of focus spent directly on the “Old Eden” area. Since that time, the Weber County Planning Division Staff has initiated a project to start compiling information and generating a Village Area Plan for the “Old Eden” Village Center for which Horseshoe, LLC and Sunnyfield LLC has played an active role as a stakeholder in this process to date. In the Spring of 2019, a stakeholder meeting was held with the Weber County Planning Division Planning Staff. Steve Burton and Charles Ewert provided a professional power point presentation of a future development including a complete street design along the frontage of the Blacksmith Development and the Eden Park with walking connections between both locations. Horseshoe, LLC and Sunnyfield LLC support the concept of the streetscape that were presented during that meeting and would like to design the next portion of the development to support the Village Area Plan.

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

The Blacksmith Village has become an attraction in the Ogden Valley and the addition to this development will provide for additional commercial sites for businesses who choose to locate in the Ogden Valley. Organized recreational events occur frequently at the Eden Park, which is adjacent to the

Blacksmith Village. The proposed rezone will allow for the completion of Blacksmith Village, which will increase visitors that frequent the site. Visitors of the Blacksmith Village may also choose to spend a part of their day at the Eden Park or choose to take a walk on the pathway that is part of the town center. These elements will help to create a sense of community in the center of the Old Eden Town Center, which will promote an atmosphere of health and welfare for the residents of Weber County. As part of the development of the Blacksmith Village Phase II, a complete street design will be implemented to ensure the safety of the residents of Weber County along the right of way and within the development.

Blacksmith Village Phase 2 Rezone Exhibit









Exhibit "B"

CV-2 Zone Use Table

The following is a list of uses governed by the CV-2 zone at the time of the execution of this agreement. Petitioner agrees to additional limits to these uses, as graphically shown in strikeout and underline text herein.

The uses designated as "P" are permitted uses. Uses designated as "C" are allowed only when authorized by a conditional use permit obtained as provided by the Weber County Land Use Code. Uses designated with an "N" are not allowed.

	CV-2
Academies/studios for dance, art, sports, etc.	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P
Animal hospital	C
Antique, import or souvenir shop	P
Archery shop and range, provided it is conducted within an enclosed building	P
Art and artists gallery or supply store	P
Assisted living facility including convalescent or rest home	P
Athletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors	P
Auction establishment	C
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building	E <u>N</u>
Automobile, new or used sales/service	E <u>N</u>
Awning sales and service	P
Bakery	P
Bank or financial institution not including payday loan services	P

Barbershop	P
Beauty shop	P
Bed and breakfast dwelling	P
Bed and breakfast inn	P
Bed and breakfast hotel	C
Brewery, micro in conjunction with a restaurant	P
Bicycle sales and service	P
Billiard parlor	C
Boarding house	C
Boat sales and service	EN
Boat and personal water craft rentals as an accessory use to boat sales and service	EN
Book store, retail	P
Bowling alley	C
Butcher shop, excluding slaughtering	P
Cafe	P
Camera store	P
Candy store, confectionery	P
Car rental agency	PN
Car wash, automatic	EN
Car wash, manual spray	PN
Catering establishment	P

Church	P
Clinics, medical or dental	P
Clothing and accessory store	P
Communication equipment building	P
Convenience store	P
Costume rental	P
Data processing service and supplies	P
Day care center	P
Delicatessen	P
Diaper service, including cleaning	P
Drapery and curtain store	P
Drug store	P
Dry cleaning	P
Dwelling unit, if in compliance with section 104-21-4(d)	P
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use. The provisions of section 104-21-4(d) are not applicable.	P
Educational institution	P
Electrical and heating appliances and fixtures sales and service	P
Electronic equipment sales and service	P
Employment agency	P
Fabric and textile store	P

Farm implement sales	C
Feed and seed store, retail	P
Flooring sales and service, carpet, rug and linoleum	P
Florist shop	P
Fitness, athletic, health, recreation center, or gymnasium	P
Fruit and vegetable store or stand	P
Furniture sales and repair	P
Fur apparel sales, storage or repair	P
Garden supplies and plant materials sales	P
Gift store	P
Glass sales and service	P
Government office buildings	P
Greenhouse and nursery	P
Grocery store	P
Grooming for small animals	P
Gunsmith	P
Hardware store	P
Health food store	P
Hobby and crafts store	P
Hotel	C
House cleaning and repair	P

Household appliance sales and incidental service	C
Ice cream parlor	P
Insulation sales	P
Interior decorator and designing establishment	P
Jewelry store sales and service	P
Laboratory, dental or medical	P
Laundromat	P
Lawn mower sales and service	P
Library	P
Linen store	P
Liquor store	C
Locksmith	P
Lodge or social hall	P
Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering	C
Medical supplies	P
Miniature golf	C
Monument works and sales	P
Mortuary	C
Motel	C
Motorcycle and motor scooters sales and service	C <u>N</u>
Museum	P

Music store	P
Office supply	P
Ornamental iron sales or repair	C
Paint or wallpaper store	P
Park and playground	P
Parking lot or garage as a main use	C <u>N</u>
Pest control and extermination	P
Pet and pet supply store	P
Pharmacy	P
Photo studio	P
Plumbing shop	P
Post office	P
Pottery, sales and manufacture of crafts and tile	P
Printing, copy sales and services	P
Private liquor club	C
Professional office	P
Public utilities substation	C
Radio and television sales and service	P
Radio or television broadcasting station	P
Real estate agency	P
Reception center or wedding chapel	C

Recreational vehicle storage	CN
Rental, equipment: <u>excluding motor vehicles, motorized watercraft, or their trailers</u>	P
Restaurant	P
Restaurant, drive-in	CN
Restaurant, drive-through	CN
Second-hand store	P
Self storage, indoor units for personal and household items	CN
Service station, automobile excluding body, fender, and upholstery work	PN
Service station, automobile with 1 bay automatic car wash as an accessory use	PN
Sewing machine sales and service	P
Shoe repair	P
Shoe store	P
Snow plow and removal service	CN
Snowmobile, ATV sales and repair	CN
Soil and lawn service	P
Spa	P
Tailor shop	P
Tavern, beer pub	C
Taxidermist	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P
Theater, indoor	P

Tobacco shop	P
Toy store, retail	P
Trade or industrial school	C
Travel agency	P
Upholstery shop	P
Vendor, short-term	P
Ventilating equipment sales and service	C
Video sales and rental	P
Window washing establishment	P







Exhibit "D"

Examples of Building Design Standards and Period Appropriate Architectural Style

EXAMPLE OF BUILDING
DESIGN STANDARDS



EXAMPLE OF PERIOD APPROPRIATE ARCHITECTURAL STYLE



Vicinity Map



Existing Zoning Map



Proposed Zoning Map

